

September 18, 2020

Hand Delivered

Zoning Board of Appeals
1st Floor, City Hall
155 Deer Hill Ave.
Danbury, CT 06810

Re: 106A Federal Road
Location Approval Application

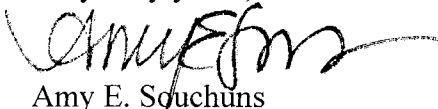
Dear Board Members:

On behalf of applicant, 7-Eleven, Inc., enclosed please find materials related to the above referenced application in connection with a proposed 7-Eleven gasoline station.

- Application Form with accompanying Narrative (original & 3 copies);
- Property Owner Letter of Authorization;
- State of Connecticut Licensing Form (note that the Form K-7 referenced on the application form is only applicable to dealers/repairers; the enclosed form is specific to retail sale of gasoline);
- Property Survey prepared by Accurate Land Surveying LLC (2 copies);
- Approved Site Plan prepared by Stonefield Engineering (2 copies);
- Legal Description of the property; and
- Application Fee in the amount of \$210.

If you need anything further, please do not hesitate to contact me.

Very truly yours,



Amy E. Souchuns



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
(203) 797-4525
(203) 797-4586 (FAX)

APPLICATION FOR A CERTIFICATE OF LOCATION APPROVAL

An "Application for a Certificate of Location Approval" shall be submitted to the Zoning Board of Appeals to engage in the sale of gasoline or any other product under the provisions of Chapter 250 Section 14-321 of the Connecticut General Statutes ("CGS"), as amended. Such Certificate of Location Approval is a prerequisite to obtaining a license to operate said use from the Commissioner of the State of Connecticut Department of Consumer Protection.

This "Application" form shall be completed and signed by the property owner and the applicant/agent and shall be accompanied by all documents, plans, fees and other materials specified below under "Submission Requirements." Failure to comply with *all* "Submission Requirements" may result in a denial of the Application.

Please check:

- ☒ Sale of Gasoline or any other product under the provisions of Chapter 250 Section 14-319 of the CGS.

-
1. Business Name 7-Eleven, Inc.
2. Street address of the proposed development: 106A Federal Road
3. Date submitted: 09/18/2020
4. Property owner's name: ZMA Real Estate, LLC Phone: _____
Address: 8 Burnham St., Ste 1-B, Terryville, CT, 06786 Fax: _____
(street, city, state, zip code)
5. Applicant/Agent's name: 7-ELEVEN, INC. / Amy E. Souchuns, Esq. Phone: 203-877-8000
Address: 147 North Broad Street, Milford, CT 06460 Fax: 203-878-9800
(street, city, state, zip code)
6. Interest in property (Check One)
☐ Owner ☐ Developer ☐ Option Holder ☒ Other (describe) Tenant

7. Zone in which property is located: CG-20 Assessor's lot No: MAP L09
- 8 Lot Size, in square feet and acres: 1.47 AC (64,199 SF)
9. Does the property contain wetlands or watercourses ☒ Yes ☐ No
If Yes, and a regulated activity is proposed within the wetland or watercourse, or its regulated buffer, on what date was the application approved by the Environmental Impact Commission?
ENVIRONMENTAL IMPACT COMMISSION - APPROVED 06/24/2020
10. Is the property or any portion thereof located within a floodplain zone? ☐ Yes ☒ No
If Yes, and work is proposed in the floodplain zone, a Floodplain Permit will be required from the Planning Commission in accordance with Section 7.A of the Zoning Regulations.
11. Is the property or any portion thereof located with a designated Public Water Supply Watershed zone? ☐ Yes ☒ No
If Yes, the Applicant/Agent shall be required to comply with Section 7.C of the Zoning Regulations.
12. Has a Grant of Special Exception and Site Plan Approval previously been issued by the Planning Commission? If Yes, provide the application number and date upon which such approval was granted.
Application Number: SE 763 Date of Approval 08/01/2018

I hereby certify that this "Application for Certificate of Location Approval" is, to the best of my knowledge, true, complete and correct.

Property Owner: See attached consent letter
Print Name
9/18/2020
Signature Date

Applicant or Agent: Amy E. Souchuns Attorney for 7-Eleven, Inc.
Print Name
9/18/2020
Signature Date

September 18, 2020

To Whom It May Concern:

On behalf of and as an authorized member of ZMA Real Estate LLC, owner of the property located at 106 Federal Road, Danbury, I hereby authorize and consent to the application of 7-Eleven, Inc. to the City of Danbury Zoning Board of Appeals in connection with its development of a gasoline station and convenience store on the subject property.

ZMA Real Estate, LLC



By: Mir Sabbir Ahmed

Its: Member

Gas Station Location Approval
7-Eleven, Inc.
September 18, 2020

Applicant 7-Eleven, Inc. (“7-Eleven”) hereby submits this application for gas station location approval in connection with its proposed development of the property at 106A Federal Road (the “Property”) for a 7-Eleven gas station and convenience store.

As distinct from its role as a land use body, this Board is tasked with acting as the agent for the State of Connecticut pursuant to Conn. Gen. Stat. § 14-321. That statute designates a local ZBA to issue an “approval of gasoline station location” as part of the regulatory licensing requirements for gas stations. The statute addressing the criteria under which the Board would analyze suitability was repealed but no replacement has been adopted. Nevertheless, it serves as useful guidance for the Board, along with the Board’s overall understanding of the Property. As noted in Chevron Oil v. Zoning Bd. of Appeals, 170 Conn. 146, 154 (1976), the statute required the Board to make a determination of whether

such location is suitable for the sale of gasoline and other products, due consideration being given to the proximity of schools, churches, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel, and that such use of such proposed location will not imperil the safety of the public.

Id. Each of these criteria is satisfied.

First, this Board previously issued a location approval for the Property in August 2018. The prior plan was for a Cumberland Farms store and gas station of approximately the same size and layout (see ZBA Approval 18-18 attached). The facts supporting this approval have not changed since that time. The Property is not in close proximity to any of the specified uses. Federal Road is more than adequate to handle the traffic associated with this facility without any impairment of public travel and overall traffic conditions or impacting intersecting streets. A gas station is a necessary convenience and the Property’s location on a major town thoroughfare adjacent to Route 7 makes it an ideal location for this use.

Shipman & Goodwin LLP
Counselors at Law
One Constitution Plaza
Hartford, CT 06103-1919
Att: Joe Williams

Doc ID: 010570610003 Type: LAN
BK 2447 PG 656-658



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

RECEIVED
SEP - 6 2018
PLANNING & ZONING
CITY OF DANBURY

**ZONING BOARD OF APPEALS
APPROVAL CERTIFICATE**

APPLICANT'S NAME: Joseph Williams, Esq., Shipman & Goodwin LLP, agent
for Cumberland Farms, Inc.

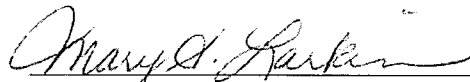
RECORD HOLDER OF TITLE: 106 Federal Road LLC

DESCRIPTION OF PREMISES: 106A Federal Road (L09012)
City of Danbury, CG-20 Zone
Legal Description Attached

NATURE OF APPROVAL: GRANTED TO Cumberland Farms, Inc. 106 Federal Road
LLC (L09012). Approval for location for the Sale of
Gasoline at 106A Federal Road, Danbury, CT, pursuant
to Section 14-321 of the Connecticut General Statutes,
as amended.

DATE OF APPROVAL: August 9, 2018

This is to certify that the foregoing is a true record of the approval granted by the Zoning Board of Appeals of the City of Danbury on August 9, 2018. (ZBA file #18-18).


Mary S. Larkin, Secretary



November 6, 2017

Ref: 42098.00

Cumberland Farms, Inc.

SURVEY PARCEL DESCRIPTION

BEGINNING AT A POINT IN THE WESTERLY STREET LINE OF FEDERAL ROAD, SAID POINT ALSO BEING THE MOST SOUTHEAST CORNER OF LAND NOW OR FORMERLY OF LOSTOCCO BROTHERS FEDERAL ROAD, LLC AND THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE S 01°00'41" E ALONG THE WESTERLY STREET LINE OF FEDERAL ROAD A DISTANCE OF 146.44' TO A POINT OF NON-TANGENCY;

THENCE A DELTA OF 00°34'35" ON A CURVE TO THE RIGHT WITH A RADIUS OF 1167.40' ALONG THE WESTERLY STREET LINE OF FEDERAL ROAD AN ARC LENGTH OF 11.74' TO A POINT;

THENCE S 88°35'17" W BOUNDED SOUTHERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES A DISTANCE OF 21.21' TO A POINT;

THENCE S 63°35'24" W BOUNDED SOUTHERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES A DISTANCE OF 56.30' TO A POINT;

THENCE S 88°59'19" W BOUNDED SOUTHERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES A DISTANCE OF 104.46' TO A POINT;

THENCE N 01°00'41" W BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES A DISTANCE OF 10.50' TO A POINT;

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THENCE N 01°00'44" W BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES A DISTANCE OF 32.00' TO A POINT;

Cumberland Farms, INC.

Ref: 42173.08

July 26, 2017

Page 2



THENCE N 81°52'08" W BOUNDED SOUTHERLY BY LAND NOW OR FORMERLY OF NATRAM ASSOCIATES
A DISTANCE OF 13.95' TO A POINT OF NON-TANGENCY IN THE EASTERLY SIDE OF ROUTE 7;

THENCE A DELTA OF 22°10'07" ON A CURVE TO THE RIGHT WITH A RADIUS OF 695.00' ALONG THE
EASTERLY SIDE OF ROUTE 7 A DISTANCE OF 268.91' TO A POINT;

THENCE N 32°53'09" E ALONG THE EASTERLY SIDE OF ROUTE 7 A DISTANCE OF 119.43' TO A POINT;

THENCE S 01°00'41" E BOUNDED EASTERLY BY LAND NOW OR FORMERLY OF LOSTOCCO BROTHERS
FEDERAL ROAD, LLC A DISTANCE OF 155.00' TO A POINT;

THENCE S 66°30'09" E BOUNDED NORTHERLY BY LAND NOW OR FORMERLY OF LOSTOCCO BROTHERS
FEDERAL ROAD, LLC A DISTANCE OF 137.38' TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 64,712± SQ. FT. (1.486± ACRES)

Sincerely,

Vanasse Hangen Brustlin, Inc.

Christopher C. Danforth, L.S. No. 70118

Received for Record at Danbury, CT
On 09/06/2018 At 2:54:22 pm

A handwritten signature in black ink, appearing to read "John C. Danforth".



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS

(203) 797-4525
(203) 797-4586 (FAX)

Via Certified Mail, Return Receipt Requested

August 9, 2018

Joseph P. Williams, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

RE: Cumberland Farms, Inc.
106 Federal Road LLC
106A Federal Road (L09012)
City of Danbury, CG-20 Zone
Application No. 18-18

Dear Attorney Williams:

At the regular meeting of the Zoning Board of Appeals of the City of Danbury held on Thursday, August 9, 2018, the following decision was rendered:

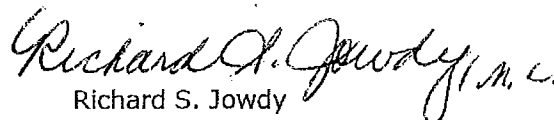
VOTED TO GRANT to Cumberland Farms, Inc. a Certificate of Approval of Location for the Sale of Gasoline at 106A Federal Road, Danbury, Connecticut (L09012), pursuant to Section 14-321 of the Connecticut General Statutes, as amended.

The following reason was given for this decision: Cumberland Farms, Inc. applied for and received all pertinent approvals from the City to date, and the location is good.

The enclosed certificate must be recorded in the Town Clerk's Office in order for said approval to be in effect. A copy of the legal land description must be attached to the certificate. Upon recording of the certificate, please provide a copy of recording receipt to the Department of Planning and Zoning. Additionally, you should contact the Permit Center (203-796-1653) to determine if any additional review is required before a permit can be issued.

If you have any questions regarding the permit process, please do not hesitate to contact the Planning & Zoning Office at 797-4525.

Very truly yours,


Richard S. Jowdy
Chairman

RSJ:ML

cc: Sean P. Hearty, Zoning Enforcement Officer, City of Danbury

Enclosures



CITY OF DANBURY
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**ZONING BOARD OF APPEALS
APPROVAL CERTIFICATE**

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for Cumberland Farms, Inc.

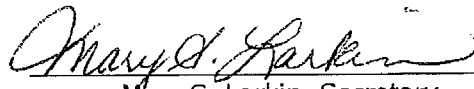
RECORD HOLDER OF TITLE: 106 Federal Road LLC

DESCRIPTION OF PREMISES: 106A Federal Road (L09012)
City of Danbury, CG-20 Zone
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Gasoline at 106A Federal Road, Danbury, CT, pursuant
to Section 14-321 of the Connecticut General Statutes,
as amended.

DATE OF APPROVAL: August 9, 2018

This is to certify that the foregoing is a true record of the approval granted by the Zoning Board of Appeals of the City of Danbury on August 9, 2018. (ZBA file #18-18).



Mary S. Larkin, Secretary

TOWN OFFICIAL SIGNATURE FORM

Business Trade Name (d.b.a.) 7-Eleven, Inc.	Business Street Address (Location of Station) 106 A Federal Rd.	City Danbury
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➔ **New Station Only:** Certificates of approval shall be obtained from the local authority of the town, city or borough where the station or pump is located or is proposed to be located. Certificates of approval shall not be required in the case of a transfer of the last issued license from one person to another provided no more than one year has elapsed since the expiration of such license.

Can be sent in with application or after signatures have been obtained.

ZONING APPROVAL FOR GASOLINE STATION

THIS IS TO CERTIFY THAT AFTER PROOF OF NOTICE AS REQUIRED AND DUE HEARING HELD UNDER THE PROVISIONS OF SECTION 14-321 OF THE GENERAL STATUTES, (I) (WE) HAVE APPROVED THE LOCATION OF THIS RETAIL GASOLINE.

Printed Name: _____ Title: _____
Chairman of Zoning Board or Other Town or City Official

Signature: _____ Date Signed: _____

BUILDING INSPECTOR APPROVAL FOR GASOLINE STATION

THIS IS TO CERTIFY THAT PURSUANT TO THE PROVISIONS OF DEPT. OF CONSUMER PROTECTION REGULATION 14-332-6, THE COMMISSIONER SHALL NOT ISSUE A CERTIFICATE UNLESS THE LOCATION OF THE DISPENSERS HAS BEEN SPECIFICALLY APPROVED BY THE BUILDING OFFICIAL AS TO THE COMPLIANCE WITH THE STATE BUILDING CODE.

Printed Name: _____ Title: _____
Building Inspector

Signature: _____ Date Signed: _____

FIRE MARSHAL APPROVAL FOR GASOLINE STATION

THIS IS TO CERTIFY THAT PURSUANT TO THE PROVISIONS OF DEPT. OF CONSUMER PROTECTION REGULATION 14-332-6, THE COMMISSIONER SHALL NOT ISSUE A CERTIFICATE UNLESS THE LOCATION OF THE DISPENSERS HAS BEEN SPECIFICALLY APPROVED BY THE FIRE MARSHAL AS TO THE COMPLIANCE WITH THE STATE FIRE SAFETY CODE.

Printed Name: _____ Title: _____
Fire Marshal

Signature: _____ Date Signed: _____

Questions can be directed to the Food & Standards Division Telephone No: (860) 713-6160

Email: dcp.foodandstandards@ct.gov

Web site: www.ct.gov/dcp

106 Federal Road
Property Description

SURVEY PARCEL DESCRIPTION

BEGINNING AT A POINT IN THE WESTERLY STREET LINE OF FEDERAL ROAD, SAID POINT ALSO BEING THE MOST SOUTHEAST CORNER OF LAND NOW OR FORMERLY OF LOSTOCCO BROTHERS FEDERAL ROAD, LLC AND THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

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